IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH JUNE, 2007/25TH JYAISHTA, 1929

WP(C).No. 8821 of 2007(A)

PETITIONER:

P.ALI HASSAN, S/O BEERANKUTTY MUSLIAR,
PATTUPARA HOUSE, OTTATHARA, P.O.KODUR,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
WAYANAD, REP. BY ITS SECRETARY.

2. THE SECRETARY,
REGIONL TRANSPORT AUTHORITY,
WAYANAD.

3. THE DISTRICT TRANSPORT OFFICER,
KSRTC, WAYANAD.

4. STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

R3 BY ADV. SRI.K.PRABHAKARAN, SC FOR K.S.R.T.C.
R1, R2 & R4 BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 8821 OF 2007 - A

Dated this the 15th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P7 order of the State Transport Appellate Tribunal by which his revision against Ext.P5 order, refusing his application for concurrence for renewal of regular permit in respect of his vehicle as Limited Stop Ordinary Service (LSOS) was rejected on the ground that the length of the route exceeds 140 Kms, which is a pre-requisite for a permit as a LSOS. It is not disputed before me that if the length exceeds 140 Kms., no permit can be issued as a Limited Stop Ordinary Service. Whether it exceeds 140 Kms. or not is a question of fact which has been found against the petitioner. That cannot be the subject matter of challenge under Article 226 of the Constitution of India.

2. The petitioner has raised another contention. According to him, the Tribunal has reserved his right to modify his application to a limited distance of 140 Kms. The petitioner submits in another writ petition, a learned

Judge of this Court has permitted to convert the nature of the application as for higher classes of service. I make it clear that Ext.P7 will not be a bar for the petitioner applying for seeking such relief if permitted under law.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007